IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

L.P.A. No.479 of 2004
in
Writ Petition No. 6328 of 2002

The Commanding Officer Southern
Command Stationery Dept Pune & anr..appellants
vs
Shri Karkala S Reddy.. respondent

Mr.S.S.Sarkar with Suresh Kumar for appellants
Mr.Neel Helekar for respondent

CORAM: A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated 23.l2.2004

P.C:

i

l. This appeal is directed against the order of the learned single Judge dated 29.4.2004. By the said order the learned single Judge has dismissed the writ petition of the appellants. Before the learned single Judge the appellants who were petitioners impugned the award of the labour court mainly on three grounds i.e (i) that the reference was not maintainable as it was made to the labour court constituted by the State Government when the petitioners were governed by the appropriate government which is the Central Government; (ii) that the petitioners establishment is not an industry as defined under section 2(j) of the Industrial Disputes Act; and (iii) that the

Central Civil Service Rules apply to the respondent and, therefore the respondent ought to have approached the Central Administrative Tribunal for redressal of his grievance. All the three contentions were negatived by the learned single Judge and the said contentions were not pressed before us. Mr. Suresh Kumar,learned counsel appearing for the appellants, however, tried to contend that the respondent was temporary government servant as he was on probation and since he was absent from service, his services were terminated. This submission was not even raised before the learned single Judge. In any event the labour court has appreciated the material on record and has come to the conclusion that the order of termination was illegal and we do not see any reason to interfere with the said finding of fact recorded by the labour court. Hence appeal is dismissed.